

9-1-1 ADVISORY BOARD

RESPONSES/CLARIFICATION ON STATUTORY QUESTIONS

The following is a summary of information obtained from the State Department of General Services, (DGS) Office of Legal Services, regarding questions posed by 9-1-1 Advisory Board (Board) members.

1. Can Board members give their proxies to others?

Response: *California Government Code (GC) Section 53115.1 provides for members to be appointed by the Governor. While each appointee is a representative recommended by various Associations, there is no “or their designee” language. Consequently, each member must appear in person (or by teleconference from a location open to the public) or be counted absent.*

2. How is the language with regard to the various terms of member service interpreted?

Response: *GC Section 53115.1(d) appears to have been written to create staggered terms, to avoid the replacement of all the members at once. For example, six Board members’ first two-year terms would expire in 2007, the other four Board members’ three-year terms would expire in 2008, and then the six Board members’ second two-year terms (if all were re-appointed) would expire in 2009.*

Whoever serves a three-year term will NOT be eligible for another immediately consecutive term, as that would exceed the statute’s four-year service limit.

Since the Governor’s Office should have designated the Board members who will serve three years, each member should check their respective appointment packets to determine if any length of term designation was provided. If no designation has been made, the DGS will likely need to contact the Governor’s Office for further guidance.

3. What constitutes an agency “request” for hearing?

Response: *The Board does not have latitude on when to start the 30-day clock. The statute says the Board “shall meet **within** 30 days”. It can meet sooner than 30 days to hold the hearing.*

The Board must abide by the 10-day Bagley-Keene requirements to get a hearing on the agenda for a regularly scheduled meeting. This extraordinary duty may require extraordinary meetings beyond the regular schedule. A quorum of voting Board members must be present.

The Board could adopt a regulation that defines what constitutes a “request.” (Example: A form could be developed that would include the process to follow in order to constitute a “request”.)

4. Are the 30- and 90-day requirements, referred to in GC 53115.2(b), calendar days or business days?

Response: *Since the statute offers no definition, the interpretation is that the references to “30 days” and “90 days” in GC 53115.2(b) refer to calendar days. If a deadline falls on a weekend or holiday, it would roll over to the next business day.*